

EXHIBIT F - PART 2

JOSEPH A. VASATURO

Q. Anything Spencer said prior to being put in the holding cell?

A. Not that I recall.

Q. Did you observe at any point in time that night, any conversations between Investigator Portious and Spencer?

A. No, ma'am.

Q. Were there any other deputy sheriff employees, either investigators or deputy sheriffs, at the facility during the booking process when Spencer was there?

A. Investigator Portious. Deputy Kristan was there, with a K.

Q. Anybody else?

A. Sergeant Hasmer was there.

Q. Anybody else?

A. Deputy wise? I mean, anybody else as in deputy?

Q. I thought you said Deputy Weiss. I'm sorry. Anybody else from the sheriff's department?

A. Sergeant LaPolla.

Q. Focus on the sheriff's department and not the correctional facility. Anybody
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else from the sheriff's department?

A. Not that I can recall.

Q. Did you observe Deputy Kristan to be speaking with Spencer at any point in time?

A. He was speaking with him. I don't know what he was talking about.

Q. Did you hear anything that Kristan said to Spencer or Spencer said to Kristan?

A. I did not.

Q. How about Hasmer, did you observe him to speak with Spencer at any point?

A. I didn't see him speaking with him.

Q. Did you speak with any of the deputy sheriff employees, either the investigators or Deputy Kristan or Sergeant Hasmer about Spencer at any time?

A. No.

Q. Did you ask them any questions about their observations of Spencer?

A. Yes.

Q. Who did you speak with in that regard?

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A. Deputy Kristan.

Q. What did you say to him, and what did he say to you?

A. We were speaking about if he felt he was going to hurt himself.

Q. Who raised that subject?

A. I asked him.

Q. Why did you ask him?

A. Because it's one of my questions here.

Q. What did Kristan say?

A. He said no. There was no signs of him wanting to hurt himself. I believe Deputy Kristan said that he feels dealing drugs is like being a bartender.

Q. Did he say what he meant by that?

A. No. I just said that's nice. And that was the extent of me talking with him.

Q. Did you have any understanding as to what Kristan was trying to communicate when he made that statement?

A. No.

Q. At some point in time, was Spencer
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taking out of the holding cell?

A. Yes.

Q. What occurred at that point?

A. At that point, we started the screening.

Q. Who did the screening?

A. I did the screening.

Q. Did anybody assist you?

A. Nobody assisted me.

Q. What do you recall about the screening process?

A. It was -- it went quick.

Q. How do you perform the screening process? Do you read questions? Do you do something else?

A. It's basically reading the questions. I start with the pedigree.

Q. Do you recall if LaPolla was at the booking area at any point in time while Spencer was there?

A. Sergeant LaPolla started the pedigree while he was locked in his cell.

Q. So, this would have been while Spencer was in the holding cell?

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JOSEPH A. VASATURO**A. Yeah.**

Q. Is there anything that you can recall hearing LaPolla say to Spencer or Spencer saying to LaPolla at any time before you began completing the forms?

A. No, ma'am.

Q. Did you ever speak with LaPolla about his observations of Spencer?

A. Yes, ma'am.**Q.** When?**A. That night and almost all the time.****Q.** So since that night?**A. Since that night.**

Q. That night, what can you recall saying to LaPolla and LaPolla saying to you?

A. I notified Sergeant LaPolla that he was on 15-minute check via the radio. And that he would be placed in cell seven. He didn't object.

Q. Did LaPolla say anything?**A. Sergeant didn't object.**

Q. Did he indicate his agreement with that?

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A. He indicated his agreement with cell seven.

Q. Did he say anything about the 15-minute checks?

A. He asked me if the P-1 was finished. I told him yes.

Q. Anything else that you said to LaPolla or that LaPolla said to you May 19th into the 20th in any way about Spencer?

A. Not that I recall, ma'am.

Q. Did you indicate to LaPolla at any point in time why you put Spencer on a 15-minute check?

A. Yes, ma'am.**Q.** What did you tell him?

A. Because of answers given on the medical screening and the suicide screening.

Q. Was this during your verbal discussion with him?

A. I don't recall if I told him verbally, but it was on my P-1.

Q. Do you know -- withdrawn.

Did you deliver a copy of the P-1 to Sergeant LaPolla?

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JOSEPH A. VASATURO**A. Not directly to the sergeant, no.**

Q. Do you have any understanding as to when, if at all, Sergeant LaPolla saw the P-1?

A. I'm not sure when the sergeant saw the P-1.

Q. Other than possibly reading it on the P-1 at some point in time, did you -- do you have a recollection of communicating to LaPolla the reasons why Spencer was placed on the 15-minute watch?

A. No, ma'am. In passing that night, I can't give you an exact time.

Q. Do you recall doing that at any time?

A. No, ma'am. Aside from the P-1, no.

Q. And you said since that night. Since May 20th, you've spoken with LaPolla about Spencer?

A. Yes, ma'am.

Q. What have you said to him, and what has he said to you?

A. I just spoke with him generally

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like I felt he was okay. I know it's a little late to make the call now. But I felt he was okay the way he was speaking with us. Some of these questions here, was he incoherent? I don't think so. He was speak with us like we're speaking now. He was joking around. Did he have something to look forward to? I believe he did. He said he was going to college. He has a band. You know, things like that.

Q. What did LaPolla say during these discussions?

A. You know, he basically agreed.

Q. He basically agreed, is that what you said?

A. Yes, ma'am.**Q.** Anything else that LaPolla said?**A. Not that I recall, ma'am.**

Q. Other than indicating his agreement with your statements?

A. Not that I recall, ma'am.

Q. Did you ever come to learn at any point in time that on the night of May 20, 2006, during the booking process, LaPolla

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1 spoke with Spencer about his use of heroin?

2 **A. Yes. I believe he did.**

3 **Q. How did you find that out?**

4 **A. Sergeant had said something.**

5 **Q. That night?**

6 **A. Yes.**

7 **Q. What did he say?**

8 **A. They asked him -- I believe he**
 9 **asked him if he was going to be suffering**
 10 **from withdrawals. I don't want to quote**
 11 **that, because I'm not sure if that's exactly**
 12 **what he said.**

13 **Q. That's your best recollection?**

14 **A. Yes.**

15 **Q. What, if anything, else did**
 16 **LaPolla say?**

17 **A. This is what sticks out in my**
 18 **mind. I'm not sure exactly what he said.**
 19 **This is when Sergeant LaPolla started the**
 20 **pedigree.**

21 **I said, serg, leave that. I'll**
 22 **get it.**

23 **So he did. He started the**
 24 **pedigree, and he gave it to me and we**
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1 **finished it.**

2 **Q. When you say "we finished it," do**
 3 **you mean you or someone else?**

4 **A. I mean myself.**

5 **Q. When LaPolla told you that he**
 6 **asked Spencer if he would be suffering from**
 7 **withdrawal, did LaPolla say Spencer**
 8 **responded to that question?**

9 **A. Yes.**

10 **Q. What did he say?**

11 **A. Spencer said no, he wouldn't be.**

12 **Q. Anything else that LaPolla told**
 13 **you about any discussion he had with**
 14 **Spencer?**

15 **A. No, ma'am.**

16 **Q. Did LaPolla ever indicate to you**
 17 **that he had asked Spencer about his heroin**
 18 **use in terms of quantity of that use or when**
 19 **the last use was or anything along those**
 20 **lines?**

21 **A. I don't recall, ma'am. I know**
 22 **Mr. Sinkov himself told me when his last use**
 23 **was.**

24 **Q. Do you recall if you had any**

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1 conversations with LaPolla about whether

2 Spencer asked LaPolla about any kind of

3 programs for detoxing?

4 **A. I'm not sure if he asked Sergeant**
 5 **LaPolla or not, but he had inquired about**
 6 **methadone.**

7 **Q. To you?**

8 **A. There was a few of us there. I'm**
 9 **not sure if it was directly at me.**

10 **Q. Do you recall where he was at that**
 11 **time? Was he still in the holding cell?**
 12 **Was he somewhere else?**

13 **A. I believe at this point he was**
 14 **out of the holding cell.**

15 **Q. So, he was doing this screening at**
 16 **that time?**

17 **A. I'm not sure if it was before or**
 18 **after the screening.**

19 **Q. When Spencer asked about the**
 20 **methadone and you heard that, did anyone**
 21 **respond?**

22 **A. I think the response -- I'm not**
 23 **positive -- that it wasn't a habit to give**
 24 **methadone at the jail.**

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1 **Q. Do you know who said that?**

2 **A. I'm not positive.**

3 **Q. Did anybody else respond to**
 4 **Spencer's question?**

5 **A. Not that I can recall.**

6 **Q. Did you respond at all?**

7 **A. I believe I told him that I'm not**
 8 **sure if you get methadone here.**

9 **Q. Anything else that you said?**

10 **A. That they would have to speak**
 11 **with medical.**

12 **Q. Anything else that you said?**

13 **A. In that conversation, no.**

14 **Q. What did you understand methadone**
 15 **to be used for?**

16 **A. I'm not really positive on what**
 17 **methadone is used for. I would imagine**
 18 **withdrawal. I don't know.**

19 **Q. Did you ask Spencer how it was**
 20 **that he knew about methadone?**

21 **A. No, ma'am.**

22 **Q. Do you recall anything specific**
 23 **that you said to Spencer or that Spencer**
 24 **said to you during the screening process?**

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A. Aside from answering the questions?

Q. Yes.

A. When I asked him if he was going to hurt himself, he said no. I take care of my body. I'm the healthiest junkie you'll ever meet. That's all -- Officer Connelly made a comment about his hair. He said yeah, I spend hours on it.

Q. Anything else that you can recall?

A. I believe he asked for food.

Q. Anybody respond?

A. Yeah. We got him what was in the kitchen. There's bagels in there. Rolls. Some juice.

Q. Did he eat it?

A. Yeah. He ate it.

Q. When was that?

A. This is after the screening.

Q. Anything else that you can recall?

A. Not about the booking process.

Q. Or while he was in booking?

A. No, ma'am.

Q. Is there anything else that you

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can recall anybody saying, anybody else saying to Spencer or Spencer saying anything to them other than what you testified to while he was in booking?

A. Anybody else, no.

Q. Do you recall Spencer's physical appearance that night?

A. I do.

Q. What do you recall about him?

A. He looked -- I don't know -- normal.

Q. What do you mean by that?

A. He didn't look like he used drugs. He didn't look like he was withdrawing.

Q. What was his demeanor like?

A. What do you mean?

Q. His behavior.

A. Normal. I mean, I don't know how to explain normal. Like we're acting right now.

Q. Was he in your opinion, overly agitated or overly relaxed?

A. Not at all.

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Q. Did you observe any marks on him in terms of indications that he had used heroin?

A. I didn't observe marks, no.

Q. Did you look for any?

A. No.

Q. Do you recall anything about his height and weight?

A. I want to say he was approximately my height and weight. I'm not sure. He was thin.

Q. Very thin?

A. No. Unusually thin, no.

Q. When you say "approximately my height --"

A. Six feet, sorry.

Q. Do you know how much he weighed?

A. I'm not positive how much he weighed.

Q. Did you ask Spencer any questions during the booking process about how much heroin he used?

A. I didn't -- I don't believe I asked him how much. I asked him when was

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the last time.

Q. That's when he said 24 hours ago?

A. Yes.

Q. Do you recall if he said 24 hours ago or within the last 24 hours?

A. He said 24 hours ago.

Q. Did he say how much he had used 24 hours earlier?

A. No.

Q. Did you ask him how much heroin he had used over the course of the last week, month, anything along those lines?

A. No.

Q. Do you know if anybody ask him those kind of questions?

A. I'm not sure if anybody did.

Q. Do you recall an individual named Robert Thompson coming in that evening as well?

A. I do.

Q. Do you recall who brought him in?

A. No.

Q. Do you recall if you did the intake on Thompson?

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A. I don't recall.

Q. Do you recall if you spoke with Thompson at any point in time about Spencer Sinkov?

A. I don't believe I did.

Q. Do you know if anybody did?

A. I don't believe anybody did.

Q. Did you ever come to learn at any point in time that any of the deputy sheriffs, the investigator, the sergeant or Deputy Kristan or anyone else, had asked Thompson about Spencer?

A. No, ma'am. Not that I know of.

MS. BERG: Let me have marked as Exhibit 3, a copy of Putnam County Correctional Facility Suicide Prevention Screening Guidelines. It says SOJ-32 at the top, page seven, dated May 20, 2006.

(Whereupon, Plaintiff's Exhibit 3, SUICIDE PREVENTION SCREENING GUIDELINES, SOJ-32, PAGE 7, DATED 5/20/06, was marked for identification.)

Q. Take a look if you would at

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Exhibit 3 and tell me if you recognize that?

A. Yes, ma'am.

Q. Is that the Suicide Prevention Screening Guideline form that Putnam County Correctional Facility provides to you as the booking officer?

A. Yes, ma'am.

Q. Has the form been modified as far as you know in the last five years?

A. Not that I'm aware of, ma'am.

Q. Do you see at the top it says SOJ-32. Do you have any understanding what that is?

A. That's the form.

Q. Are there other SOJs, if you will, other forms?

A. Yeah.

Q. Are they all -- in other words, do you know what SOJ stands for?

A. Standard of jail. I'm not sure what it stands for.

Q. Did you complete all the handwriting on this document, Exhibit 3?

A. Except for Mr. Sinkov's

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signature, yes.

Q. Except where it says "inmate's signature," everything else is your handwriting?

A. Yes.

Q. In terms of the numbered section, did you ask Spencer all of the questions listed there?

A. I asked him up to question 12.

Q. What is 13 through 16?

A. This is supposed to be observations.

Q. Your observations?

A. Yes.

Q. What's your understanding in terms of when comments are required in the comment section?

A. When the yes is checked in column

A.
Q. If you take a look at No. 6, which has history of drug or alcohol abuse, you circled the word "drug and abuse"?

A. Yes.

Q. Why did you do that?

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A. Just to take out the word alcohol.

Q. What is your understanding as to what it means by history of drug abuse?

A. If you have a history -- if you have a problem with it. A history of it.

Q. Meaning more than an occasional use?

A. Yes.

Q. Did you get any information from Spencer to indicate that his use of heroin was more than an occasional use?

A. He said he had gone to rehab, I believe, six months ago, I believe. So in my mind, that would be a history or abuse.

Q. It says in No. 6, "Note drug and when last used," but there's no indication in the comment section or anywhere else that was completed. Do you have any recollection as to why that is?

A. I feel I didn't write that because I wrote it -- it was on the other page of the packet.

Q. No. 7, "Detainee has history of

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1 counseling or mental health
2 evaluation/treatment." And you checked yes
3 in that column; correct?

4 **A. Yes.**

5 **Q.** That was based on what Spencer
6 told you?

7 **A. He said he had gone ten years ago
8 to a mental health evaluation.**

9 **Q.** And it says, "No current
10 psychotropic medication and name of most
11 recent treatment agency;" do you see that?

12 **A. Yes, ma'am.**

13 **Q.** You didn't put that information on
14 this form, did you?

15 **A. He didn't -- no, ma'am. He
16 didn't divulge that. On the other page, it
17 says do you take medication, I believe. He
18 said Lunesta. I believe that's all he said.**

19 **Q.** But you didn't write anything
20 about any recent treatment agency?

21 **A. No, ma'am.**

22 **Q.** And you recall now that Spencer
23 told you that he had had some kind of
24 counseling ten years earlier?

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1 **A. Ten years ago.**

2 **Q.** Did he say what for?

3 **A. No.**

4 **Q.** Did you ask him?

5 **A. No.**

6 **Q.** Did he indicate that he had any
7 counseling since that time?

8 **A. He said he had gone to rehab. I
9 believe it was rehab six months ago.**

10 **Q.** Did he indicate that he had any
11 counseling at that time?

12 **A. No.**

13 **Q.** Did you indicate where that rehab
14 was?

15 **A. Yes. I believe he said -- no.
16 Putnam Hospital Center, I believe, he said.**

17 **Q.** Would that have been on the other
18 part of the form or this form?

19 **A. Yes, ma'am.**

20 **Q.** Where?

21 **A. On the medical. It's a packet.**

22 **Q.** In terms of the
23 behavior/appearance section, 13 through
24 15 --

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1 **A. Yes, ma'am.**

2 **Q.** -- was checked in the yes column
3 and then there appears to be a circle around
4 it with initials to the left?

5 **A. Yes.**

6 **Q.** Did you initially check yes in
7 those boxes?

8 **A. I did.**

9 **Q.** Then you changed it to no?

10 **A. Yes, ma'am.**

11 **Q.** When did you change it?

12 **A. Right after I realized. I was
13 reading through it when I was signing it.
14 That's when I changed it.**

15 **Q.** Did you change it before or after
16 Spencer signed it?

17 **A. No -- I'm sorry. Before.**

18 **Q.** Do you recall why it was that you
19 initially checked yes in those three columns
20 and changed it to no?

21 **A. I don't recall. It was a miss
22 check.**

23 **Q.** You indicated earlier when I asked
24 you about Spencer's appearance, that it

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1 didn't look like he used drugs or was
2 withdrawn; correct?

3 **A. Yes, ma'am.**

4 **Q.** Did I -- take a look at question
5 16A, "Detainee is apparently under the
6 influence of alcohol or drugs;" you checked
7 yes?

8 **A. Yes.**

9 **Q.** 16A, you didn't change to the no
10 column?

11 **A. No, ma'am. I know that.**

12 **Q.** In terms of 16B, "If yes, is
13 detainee incoherent or showing signs of
14 withdrawal or mental illness," and you
15 checked yes in that box?

16 **A. Yes, ma'am.**

17 **Q.** Was that a mistake, also?

18 **A. Yes.**

19 **Q.** And you didn't change either of
20 those?

21 **A. I didn't.**

22 **Q.** When did you first determine that
23 those checks, those "yes" checks were
24 incorrect?

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A. When I was in with the Commissioner of Corrections and thinking about what went on. And I'm reading through his and saying to myself, he was coherent. I didn't feel he was under the influence of anything at that time.

Q. In terms of the general comments/observation section, it says, "All yes responses require written comment here;" correct?

A. Yes.

Q. And next to 16A, which you checked yes, you, in fact, put a comment in; correct?

A. Right.

Q. Next to 16B, you also put a comment in after checking the yes box?

A. Yes, ma'am.

Q. And you noted there, quote, "very laid back"?

A. Laid back. Like calm, I guess you would say.

Q. Did you ever receive any kind of training or instruction with respect to

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individuals who used drugs or who were withdrawing from drugs about being very laid back or anything along those lines?

A. No, ma'am.

Q. Did anybody ever indicate to you that an indicator of drug use could be a very calm demeanor?

A. No, ma'am.

Q. Or indicate that somebody is under the influence?

A. Not that I recall.

Q. Why is it that you noted very laid back in that particular paragraph 16B?

A. Well, it says determine if he's incoherent or withdrawing from mental illness. In my mind, mental illness, they would be a little bit more violent. I put laid back. I know it's checked yes. I don't feel that it was supposed to be yes. I don't know where to go with that. Under the influence of alcohol or drugs, I put 24 hours ago. I don't think 24 hours ago you'd still be under the influence. I don't know.

Q. Prior to signing the form at the

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bottom --

A. Yes, ma'am.

Q. -- you reviewed it?

A. I quickly looked it up. I was like yes.

Q. And that's when you made the change to 13, 14 and 15?

A. Yes.

Q. At that point in time, you didn't feel the need to change 16A and B; correct?

A. Yeah. I think that was a mistake, but yes.

Q. And you first realized that mistake when the Commissioner of Corrections investigator interviewed you?

A. That's when I first told people. I realized when I went through again, I went one by one, slowly through them, and I was like this is not correct. That's when I notified somebody about it.

Q. Who did you notify?

A. The Commissioner of Corrections.

Q. When was that?

A. I don't recall the exact date.

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Q. Do you recall what year it was?

A. '06.

Q. Was it during an interview?

A. Yes.

Q. Did they come see you at which point in time you notified the investigator or did you reach out to them first?

A. They came and did an investigation.

Q. During that investigation, you were asked questions?

A. Yes, ma'am.

Q. Who asked you questions?

A. I don't recall his name. There was two investigators in the room.

Q. Was anybody else present when they asked you questions?

A. No, ma'am.

Q. Prior to being asked questions by the investigators, did you speak with anybody about what you should say?

A. No, ma'am.

Q. Or about what they would ask you?

A. No.

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Q. Did you tell anybody prior to being questioned by these two investigators from the Commissioner of Corrections that you felt your response to 16A and B was incorrect?

A. I had asked other people what they felt.

Q. Who did you ask?

A. Officer Connelly.

Q. Anyone else?

A. Officer Matias.

Q. Anyone else?

A. Officer Gianpalo.

Q. Anyone else?

A. Sergeant LaPolla.

Q. Anyone else?

A. Not that I recall.

Q. Did you ever tell any of those individuals prior to the Commissioner of Corrections investigators questioning you that your answers in column yes for 16A and 16B were incorrect?

A. Not that I recall, ma'am.

Q. What did Connelly say to you about

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Spencer?

A. I asked him if he felt that he was incoherent, and he said no.

Q. Did you ask him anything about whether or not he observed any signs of withdrawal or mental illness?

A. Yes.

Q. What did he say?

A. No.

Q. What did you say to Matias and what did he say to you?

A. The same couple questions, and the answer was no. Nobody noticed anything out of the ordinary.

Q. That would have been true for all four individuals - Connelly, Matias, Gianpalo and LaPolla?

A. Yes, ma'am.

Q. Other than that subjective communication with those four people, anything else that you said to them or anything else that they said to you about Spencer?

A. Basically, that I was in shock.

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Pretty much still in shock.

Q. Assuming that you had put no for 16A and 16B, Spencer's score would have been eight; correct?

A. That is correct.

Q. And he still would have scored yes in two of the shaded areas on the form; correct?

A. Yes, ma'am.

Q. Under the circumstances, is it required by you as the booking officer to notify your shift supervisor?

A. Yes, ma'am.

Q. Did you do that in this case?

A. No, ma'am.

Q. Shift supervisor was LaPolla?

A. Yes, ma'am.

Q. How come you did not notify LaPolla?

A. I believe I overlooked it, ma'am. Sergeant LaPolla was -- he was in and out. I may have felt that he did see it. I didn't personally deliver it to him, no.

Q. When you say you may have felt he

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did see it, do you recall on or about May 20th believing that LaPolla had seen this form?

A. No, ma'am. I didn't personally bring it. I didn't call him. We didn't go over it together.

Q. You see in the section where it says, "Action to be taken by screening officer. If total in column A is eight or more or any shaded box is checked or if the screening officer feels it is necessary, notify shift supervisor." It says that right on the form; correct?

A. Yes, ma'am.

Q. Underneath that, there's a section that says "shift supervisor notified" and there's a place to check yes or no?

A. Yes, ma'am.

Q. And there's a place for the shift supervisor's name and signature; correct?

A. Yes.

Q. All of those portions pertaining to the shift supervisor are blank; correct?

A. Yes.

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Q. Who fills that out? Is it the supervisor or the booking officer?

A. The supervisor would fill that out, but I guess it would be my job to show him.

Q. In terms of your job to show him, you're required to do that before housing is assigned; correct?

A. Not necessarily, no. No, ma'am.

Q. Aren't you required to show him prior to the time that you determine what level of supervision is instituted?

A. You would recommend level of supervision and a cell, and the sergeant would review it and yes or no it.

Q. When the sergeant reviews it, do they sign off on this form, Exhibit 3?

A. Yes. When they review the form, they sign off on the form.

Q. No. My question is when they review the level of supervision, do they sign the form?

A. Yes.

Q. And the level of supervision is

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determined before housing is assigned; correct?

A. Yes.

Q. So in this case, by looking at Exhibit 3, we can see that the shift supervisor was not notified of the score on the form; correct?

A. Yes.

Q. The number of shaded boxes, either two or three, depending on whether your 16B column was correct; right?

A. Yes.

Q. He was not notified of the mental health supervision instituted, 15-minute supervisory visit; correct?

A. Yes.

Q. There's also a section that says mental health referral --

A. What was the last question?

Q. The last question? He was not notified of the mental health supervision instituted, 15-minute supervisory visit?

MR. RANDAZZO: The one before that.

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MS. BERG: Read it back.

(The record is read by the reporter.)

A. He was notified of the 15 minute and told him the reason of the 15 minute. I did it via radio.

Q. That was after the cell assignment was given?

A. After I was bringing Mr. Sinkov to his cell, I notified him via radio that he was on the 15-minute watch.

Q. Did you at any point in time come to learn that you as the booking officer were required to present the screening guidelines to the supervisor for the supervisor's signature?

A. Yes.

Q. In this case, you didn't do that; correct?

A. That is correct.

Q. At that time in May 2006, was it your practice to deliver the Suicide Prevention Screening Guideline form to your supervisor for signature prior to housing assignment?

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A. No. I wouldn't deliver it.

Q. You wouldn't do it in any case?

A. I would notify the sergeant. The sergeant would come up. Actually, come to booking and do it there. I never delivered this to the sergeant. I deliver this to medical.

Q. In terms of the sergeant being notified --

A. Yes.

Q. -- to come up to booking, in May of 2006 and as of that time, was it the practice for the shift supervisor to sign off on the Suicide Screening Guideline form?

A. Yes. I practiced that. Sergeant would sign off on my forms.

Q. Other than in Spencer's case, are you aware of any other intakes that you performed where the shift supervisor did not sign off on the form when eight or more were checked or any shaded box was checked or the screening officer felt it was necessary?

A. I'm not aware of any.

Q. This is the only one that you're

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1 aware of?

2 **A. That a sergeant hasn't signed,**
3 **yes.**

4 **Q.** The mental health referral, it
5 says no/yes, complete referral form; do you
6 see that?

7 **A. Yes.**

8 **Q.** Are you required to fill that part
9 out --

10 **A. Yes.**

11 **Q.** -- as the booking officer?

12 **A. Yes.**

13 **Q.** And you didn't do that in this
14 case, either, did you?

15 **A. I didn't.**

16 **Q.** Did you complete any kind of
17 referral form?

18 **A. I didn't do them.**

19 **Q.** You didn't check no here, either?

20 **A. No.**

21 **Q.** In terms of the referral form, is
22 that something that you as the booking
23 officer would be required to complete, or is
24 it somebody else who has that

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1 responsibility?

2 **A. I can do it. Anybody in the**
3 **facility can do it, but yes.**

4 **Q.** How about, though, in terms of the
5 intake, is it the booking officer's
6 responsibility to do the mental health
7 referral form?

8 **A. Sure. If they feel they need**
9 **mental health referral, yes.**

10 **Q.** In No. 8, the question was,
11 "Detainee expresses extreme embarrassment,
12 shame or feeling of humiliation as a result
13 of current charge or this incarceration,"
14 and it's checked yes; correct?

15 **A. Yes.**

16 **Q.** You didn't write any comments
17 there; correct?

18 **A. That's correct.**

19 **Q.** Do you recall what Spencer said
20 about that?

21 **A. Yes.**

22 **Q.** What did he say?

23 **A. He said, "Being a drug dealer is**
24 **like being a bartender."**

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1 **That's supposed to be no. I**

2 **know it's checked yes.**

3 **Q.** Are you saying that you made an
4 error in column eight as well?

5 **A. Yes, ma'am.**

6 **Q.** And it should have been changed to
7 no?

8 **A. Yes, ma'am.**

9 **Q.** Did you ever tell anybody that
10 prior to today?

11 **A. I tried to explain it to the**
12 **commissioner. This is -- it's done. I**
13 **don't know what to do now about it.**

14 **Q.** Other than the Commissioner of
15 Corrections investigators, did you ever tell
16 anybody that you felt that the answers on
17 this form were in any way incorrect?

18 **A. I notified Mr. Randazzo.**

19 **Q.** Other than your attorney?

20 **A. No.**

21 **Q.** In terms of the statement, "being
22 a drug dealer is like being a bartender,"
23 earlier when you testified, you indicated I
24 thought that officer -- Deputy Kristan had

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1 made that statement?

2 **A. Right. He made the statement.**
3 **These comments were made.**

4 **Q.** Who made the statement?

5 **A. Mr. Sinkov.**

6 **Q.** Not Kristan?

7 **A. Kristan was going through, I**
8 **guess, what he was saying. We were talking**
9 **about what he was saying.**

10 **Q.** So Kristan said to Spencer, "being
11 a drug dealer is like being a bartender"?

12 **A. Other way around.**

13 **Q.** Spencer said that to Kristan?

14 **A. Yes, ma'am.**

15 **Q.** Was there anything else that
16 Kristan said to Spencer as far as you know?

17 **A. Not that I can recall.**

18 **Q.** And the comment "being a drug
19 dealer is like being a bartender," was that
20 communicated directly to you by Spencer or
21 by Deputy Kristan or both?

22 **A. Both.**

23 **Q.** And you didn't indicate anything
24 on here about that statement; correct?

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JOSEPH A. VASATURO**A. No, ma'am.****Q.** And you didn't indicate anywhere on here the source of that statement; correct?**A. No, ma'am.****Q.** Anything else that Spencer said to you that relates in any way to No. 8?**A. Why should I be embarrassed, followed by that statement.****Q.** Anything else that he said?**A. Pertaining to No. 8?****Q.** Yes.**A. No.****Q.** Going through the Exhibit 3, No. 1, do you believe your checkmark in column B, no, is correct?**A. Yes, ma'am.****Q.** No. 2, do you believe your column B checkmark is correct?**A. Yes, ma'am.****Q.** No. 3, do you believe that is correct where you checked yes?**A. Yes, ma'am. That's what he told me.**

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JOSEPH A. VASATURO**Q.** Is there anything else that he said about that?**A. No.****Q.** No. 4, you checked yes there as well?**A. Yes, ma'am.****Q.** Do you believe that's correct?**A. That's what he told me.****Q.** So you believe it's correct?**A. I believe it was correct.****Q.** No. 5, you checked yes?**A. Yes, ma'am.****Q.** Do you believe that was correct?**A. That's what he told me.****Q.** So you don't feel you need to change that?**A. No.****Q.** No. 6, you checked yes. Do you believe that's accurate?**A. Yes.****Q.** No. 7, you checked yes. Do you believe that's accurate?**A. Yes.****Q.** No. 8, you checked yes. You

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believe that should not be checked?

A. That's what I believe, yes, ma'am.**Q.** And No. 9, you checked no. Do you believe that's correct?**A. Yes.****Q.** No. 10, you checked no. Do you believe that's correct?**A. Yes. That's what he told me. I believe it's correct.****Q.** No. 11, you checked yes. Do you believe that's correct?**A. No.****Q.** That's another one that's wrong on this form?**A. I know what it looks like.****Q.** Just answer my question.**A. Yes, ma'am.****Q.** And you believe that should be no?**A. I do believe it should be no.****Q.** When was the first time, if at all, that you told anybody that?**A. I tried to explain this to the Commissioner of Corrections.**

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JOSEPH A. VASATURO**Q.** Anyone else other than the investigator from the Commissioner of Corrections?**A. No, ma'am.****Q.** What did Spencer say, if anything, with respect to No. 11?**A. He said he was going back to college, and he had a band to look forward to.****Q.** And you didn't write any of that on this form, did you?**A. I did not.****Q.** Anything else that Spencer said pertaining to No. 11?**A. No, ma'am.****Q.** How about No. 12, you checked yes. Do you believe that's correct?**A. I believe it was the first time for him in our jail, yes, ma'am.****Q.** And 13, 14 and 15, we went through. You initially checked yes, but you changed them before the form was finalized; correct?**A. That is correct.**

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Q. Do you believe the no answers are now the correct answers?

A. Yes, ma'am.

Q. 16A and B, you checked yes on both of those, and you testified that you believe those were incorrect; correct?

A. Correct.

Q. If that made sense.

No. 13, "Detainee showed signs of depression, crying, emotional flatness;" do you see that?

A. Yes, ma'am.

Q. Do you have any understanding as to what "emotional flatness" means?

A. In my mind, it means no expression. Just answering yes, no, yes, no.

Q. Do you believe if anybody reviewing this form saw your statement about, quote, "very laid back," they might think it related to somebody exhibiting emotional flatness?

MR. RANDAZZO: Objection to the form.

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MR. KLEINBERG: Objection.

MR. RANDAZZO: You can

answer it.

A. In my mind, that never crossed my mind.

Q. In terms of your decision to place Spencer on a 15-minute watch, did anybody else have input into that decision?

A. No, ma'am.

Q. If you take a look at the ADM-330 form, Exhibit 1 that we went over earlier today, the form is different at the bottom where it says action, in that Exhibit 1, the Commission of Corrections form says that if eight or -- if the score is eight or more or any shaded box is checked, you have to institute constant watch?

A. I see that.

Q. On the Putnam County form, it doesn't indicate that constant watch should be instituted under those circumstances. It gives the booking officer the option of doing routine, 15 minute or constant; correct?

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A. Yes, ma'am.

Q. In terms of the ADM-330 Exhibit 1, for the medical mental health referring section, it has signature and badge number of screening officer; do you see that?

A. Yes.

Q. And on the Putnam County form, that screening officer and inmate section, is broken out separately; correct?

A. Yes.

Q. On the Exhibit 1, ADM, the 330-ADM, there's no signature line for the inmate; correct?

A. Yes.

Q. But that is on the Putnam County form; right?

A. Yes.

Q. Prior to the inmate signing the Putnam County form Exhibit 3, is the form filled out as it is there before you?

A. Prior to him signing it?

Q. Yes.

A. Yes.

Q. So when the inmate signs, they can

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see that they've been placed on a specific level of watch; correct?

A. Yes, they can see.

Q. Do you have any understanding as to who determined to alter the Commission of Corrections form, the ADM-330?

MR. RANDAZZO: Objection to the form.

You can answer.

A. I don't know, ma'am.

Q. Do you have any understanding as to who made the decision not to provide the ADM-330 which is required in Section 15.2 of Putnam County's rules and regulations?

A. No, ma'am.

Q. Did you ever tell LaPolla that the reason you were placing -- withdrawn.

Did you ever tell LaPolla as to the reason or reasons why you placed Spencer on a 15-minute watch?

A. I believe I told him because of the use of drugs and answers on the suicide screening.

Q. Was that on the P-1 or verbally?

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A. That was on the P-1. Verbally, I'm not positive.

Q. Why did you place Spencer on a 15-minute watch?

A. Due to the medical screening and answers given on the suicide screening.

Q. What about the medical screening caused you to place him on a 15-minute watch?

A. Six months ago, the recent drug use on the medical. That was about it from the medical.

Q. What about the suicide screening? What caused you to place him on a 15-minute watch?

A. Just the heightened number. Just the level.

Q. That he had ten?

A. Yes.

Q. Anything else?

A. That his brother and girlfriend tried to hurt themselves.

Q. Anything else as to the reason you placed him on a 15-minute watch?

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A. No, ma'am.

Q. Is there some reason why you didn't place him on constant watch?

A. From speaking with him, his demeanor, his attitude, the way he was answering, I know it's a little late to say now, I didn't feel like he was going to hurt himself.

Q. At that time in May 2006, you were unaware of any requirement to put him on constant watch; correct?

A. Yes, ma'am.

Q. Based on the scores that are indicated on Exhibit 3?

A. Yes, ma'am.

MS. BERG: Let me have marked as Exhibit 4, a copy of a P-1 dated May 20, 2006 from Correction Officer Vasaturo to all members of correction division.

(Whereupon, Plaintiff's Exhibit 4, 5/20/06 P-1, was marked for identification.)

Q. Is that the P-1 that you delivered to the briefing room and medical?

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A. The housing unit received one and briefing room.

Q. Does medical receive that?

A. I didn't give one to medical, no.

Q. Have you in the past provided a P-1 of that nature to medical as well?

A. Sometimes I have. Not all the time.

Q. Did you ever communicate with Sergeant LaPolla about that P-1?

A. Yes.

Q. Other than when he asked you if it was done and you said yes?

A. No.

Q. Did you ever discuss with him anything about what's contained in that P-1?

A. No.

Q. Did he ever ask you any questions about the basis for the 15-minute check?

A. I believe he did. I believe I told him because it was a recent use of drugs.

Q. Verbally you told him that?

A. Yes.

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Q. Did you say anything to him when he verbally asked you that about the score on the suicide screening forms?

A. I don't believe he asked me about the score.

Q. But when he asked you why he was placed on the 15-minute check and you said because of recent use of heroin, did you also indicate it was because of the answers given on the suicide screening as you put here in the P-1?

A. No, ma'am.

Q. Is there some reason why you left that out when you spoke with LaPolla?

A. No special reasons. This is supposed to be read and signed by all members.

Q. Did LaPolla ask you to review at any point in time the medical or suicide screening forms?

A. No, ma'am.

Q. On the P-1, you indicated that the 15-minute supervisory check was due to recent use of drugs and answers given on the

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suicide screening. I read that correctly?

A. Yes.

Q. And you didn't indicate anything about the score on the suicide screening; correct?

A. No.

Q. And you didn't indicate anything about any shaded boxes being checked?

A. No.

Q. And you didn't amplify what about those answers led you to place them on the 15-minute watch, did you?

A. No, ma'am.

Q. Did LaPolla or anybody else, any supervisor ever ask you anything along those lines?

A. No, ma'am.

MS. BERG: Let me have marked as Exhibit 5, a copy of a Mental Health Routing Sheet.

(Whereupon, Plaintiff's Exhibit 5, MENTAL HEALTH ROUTING SHEET, was marked for identification.)

Q. Have you ever seen this form

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before, Exhibit 5?

A. Yes, ma'am.

Q. Have you ever had occasion to complete that form?

A. Yes, ma'am.

Q. When do you do that?

A. When you feel that they need to be seen by a doctor.

Q. For any reason?

A. Yeah, any reason.

Q. Medical and psychiatric?

A. Yes, ma'am. Any reason.

Q. In this case, you can see that the inmate name is Spencer Sinkov?

A. Yes.

Q. And it's dated May 20, 2006?

A. Yes, ma'am.

Q. And it seemed to be filled out by staff member Sue Waters, RN; do you see that?

A. Yes, ma'am.

Q. Do you know who she is?

A. Facility nurse.

Q. Did you ever have any

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conversations with her about Spencer?

A. No, ma'am.

Q. There's nothing checked but the written comment seems to indicate history of substance abuse and family problems; do you see that?

A. Yes, ma'am.

Q. Do you have any understanding as to what Sue Waters based that statement on?

A. I can take a guess, ma'am, but no.

Q. You never spoke with her about it?

A. No, ma'am.

Q. And the section that says action by supervisor, referred 15-minute check, move to other housing, constant watch, is that something that you're required to fill out?

A. Not required. If I feel -- if I felt he needed to see a psychiatrist, then I would fill this out. I would hand it to the sergeant. The sergeant would do the supervisor part and hand it to medical. From there, I don't know.

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Q. Are you aware of any situations where medical has instituted a mental health referral?

A. I'm not aware of any situations, but anybody can do it.

Q. Did you ever see any documents pertaining to Paul Clark's -- Peter Clark's assessment of Spencer Sinkov?

A. I have not.

Q. Have you ever seen any documents that Americor or staff nurses complete when they do that initial intake?

A. No, ma'am.

Q. Are you aware that they take notes or maintain any records about that?

A. I'm not sure what they do, ma'am.

Q. Have you ever seen anything called a progress note?

A. No, ma'am. Not that I can recall.

MS. BERG: Let me have marked as Exhibit 6, a copy of a typewritten document consisting of two pages called a Jail Management System

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Booking Slip.

*(Whereupon, Plaintiff's Exhibit 6,**RAIL MANAGEMENT SYSTEM BOOKING SLIP, was marked or identification.)*

Q. Have you ever seen Exhibit 6 before?

A. Yes, ma'am.

Q. Are you familiar with the form of it?

A. Yes.

Q. Is that a computer-generated document?

A. Yes, ma'am.

Q. Do you have any responsibility for keeping any of the entries on that?

A. Yes, ma'am.

Q. What part of it do you complete?

A. The whole thing except for the release part.

Q. When do you complete that?

A. Inmate hold remarks.

Q. When do you complete that form?

A. This is done when you do the computer work.

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Q. When is that?

A. After everything, after the screening is done, after the prints are done, then you do it in the computer.

Q. Is that before the inmate is taken to his cell?

A. No, it doesn't have to be.

Q. Sometimes it's after?

A. Yes.

Q. Here where it says booking remarks, you wrote takes Lunesta?

A. Yes, ma'am.

Q. You didn't write anything about use of heroin, did you?

A. No, ma'am.

Q. Nothing about any basis for 15-minute watch?

A. No, ma'am.

Q. No indication on there about any history of drug use or rehab or anything else; correct?

A. That's right, ma'am.

Q. Why is it that you in the booking room wrote takes Lunesta but not anything

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about the drug use?

A. I just wanted to list his medications.

Q. Is there some reason why you wanted to list his medications?

A. It's common practice to put the medications on there.

Q. Is it common practice to include anything about any other substance that the inmate is ingesting or has taken?

A. No. This is the old --

Q. Has this changed since then?

A. Well, no. Not really. There's a new system in motion. You can still put the comments in there. You can put everything in there if you want.

Q. Is there anything different about the new system as it would relate to listing other substances somebody ingested or took?

A. No.

Q. Does your supervisor review the booking slip as part of the process?

A. No.

MS. BERG: Let me have

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marked as Exhibit 7, a copy of the Inmate Medical Intake record.

*(Whereupon, Plaintiff's Exhibit 7,**INMATE MEDICAL INTAKE RECORD, was marked for identification.)*

Q. Take a look if you would at Exhibit 7. Is that something that you completed as well with respect to Spencer Sinkov?

A. Yes, ma'am.

Q. Is this the form that you said that Sergeant LaPolla was beginning to complete and you told him that you would take care of it?

A. Yes, ma'am.

Q. Which part of it is LaPolla's handwriting, if you know?

A. Right up to the line where it says employer.

Q. From there down is everything you wrote?

A. Yes, ma'am.

Q. Where it says personal physician, Abdu, it has a line through it. Is that

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your handwriting?

A. Yes, ma'am.**Q.** Do you have any recollection as to why you wrote that and then crossed it out?**A. I believe I crossed it out because -- I don't recall what he said.****Q.** On the bottom right of the document, there's a box with an arrow pointing up and it says reread initial date 5/20/06 PA Clark; do you see that?**A. Yes, ma'am.****Q.** Do you have any understanding that the Americor staff is required to review the inmate medical intake record?**A. I'm not positive on their policies, ma'am.****Q.** On the next page, all of the checkmarks in the columns, are those yours as well as the comment section?**A. Yes, ma'am.****Q.** You signed it at the bottom?**A. I did.****Q.** And Spencer signed it?**A. Yes, ma'am.**

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JOSEPH A. VASATURO**Q.** Do you believe that any of these boxes need to be changed because they're now incorrect?**A. No, ma'am.****Q.** You believe everything on this page is accurate?**A. Yes, ma'am.****Q.** 26 says, "Smoke, what, how much - cigs, one pack day?"**A. Cigarettes one pack a day.****Q.** Did you ever take Spencer for a cigarette break, smoking break at the rec yard?**A. No, ma'am.****Q.** Did he ever ask to go?**A. No.****Q.** Do you know if anybody ever offered for him to go?**A. I don't know, ma'am.****Q.** Do you know if anybody ever took him for one?**A. I do not know. When he got there at night, it's lock down. There is no cigarettes.**

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JOSEPH A. VASATURO**Q.** What about the next day?**A. He would be locked in because he's unclassified.****Q.** He wouldn't be permitted to go and have a cigarette?**A. No, ma'am.****Q.** At the discretion of the NHU officer, could he be permitted to go for a cigarette?**A. No, ma'am.****Q.** Spencer was initially assigned to cell 29, and it was later changed to cell seven; do you recall that?**A. Yes, ma'am.****Q.** Why was that change made?**A. It was and still is common practice to put 15-minute checks downstairs in the North Housing Unit.****Q.** Is cell 29 on NHU?**A. No.****Q.** It's a different unit?**A. Yes, ma'am.****Q.** What's that unit?**A. West Housing Unit.**

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JOSEPH A. VASATURO**Q.** And an unclassified inmate can go to West Housing Unit?**A. Yes, they can.****Q.** You said that's common practice to have 15-minute checks downstairs in NHU. Why is that, if you know?**A. It is common practice for 15 minutes and unclassified. Unclassified and 15 minutes also go upstairs if there's no room downstairs. I don't know why it's common practice.****Q.** Did anyone ever tell you why that is?**A. No, ma'am.****Q.** Did you ever have occasion to review any policies or procedures that Americor has in place with respect to its staff?**A. No, ma'am.****MS. BERG:** Let me have marked as Exhibit 8, a copy of a Suicide Prevention and Crisis Intervention manual. It says Basic Program Trainer's Manual. (Whereupon, Plaintiff's Exhibit 8,

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SUICIDE PREVENTION & CRISIS INTERVENTION, BASIC PROGRAM TRAINERS MANUAL, was marked for identification.)

Q. Did you ever see Exhibit 8?

A. No, ma'am. Not that I can recall.

Q. Did you ever -- withdrawn.

On the front page, there's a handwritten note that says C.O. never had before. Do you have any understanding as to what that refers to?

A. No, ma'am.

Q. Following the bottom pages, there's a section that says 1-4 or I-4. It's about seven or eight pages in. "Components of effective suicide prevention risk management program;" do you see that?

A. Yes.

Q. "Screening for suicide risk" is the first entry and the second one, "supervision one-to-one only effective supervision for suicide prevention;" do you see that?

A. Yes, ma'am.

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Q. Did anyone ever instruct you that constant supervision one-on-one was the only effective supervision for suicide prevention?

A. Not that I recall, ma'am. Suicide prevention, you know, would be one-on-one.

Q. With respect to -- turn if you would to the end section, Roman Numeral VI-10. It's 15 to 20 pages from the end. Did anybody ever instruct you that with respect to the score of eight on the suicide prevention form, that a person with a lower score can still be a suicide risk?

A. Can you repeat that?

Q. There's a note in the column on the right-hand side, the score of eight is an arbitrary threshold. A person with a lower score may be a suicide risk.

Did anyone ever instruct you or train you on that?

A. Yes, ma'am. I was trained in that.

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Q. That's something that was communicated to you?

A. I don't recall if that exact phrasing was indicated, but if they scored a one and you feel they need a suicide watch, they go on suicide watch.

Q. With respect to the score of eight on the form, did anybody ever instruct you that that was an indicator that the person was a high risk?

A. High risk, yes. Automatically constant watch, no.

Q. And with respect to the use of that form, did anyone ever indicate to you the New York State Commission on Corrections has regulations pertaining to the scores on that form and the shaded boxes?

A. Not that I'm aware of, no.

Q. On the next page, it indicates the actions to be taken by officer. "Notify supervisor if any answers indicate notification and check yes or no." That would be on the form itself; correct?

A. Yes, ma'am.

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JOSEPH A. VASATURO

Q. Do you have any understanding as to why it says supervisor must be notified prior to cell assignment?

A. So they can make the determination where the cell would be.

Q. Do you have any understanding as to why the supervisor is supposed to be involved in that decision?

A. They would have more understanding of the situation.

Q. Take a look if you would at Roman Numeral VII-8. "Supervising the suicidal inmate;" do you see that section?

A. Yes, ma'am.

Q. Did anybody ever instruct you on number -- the second bullet there, "constant supervision should be given immediately to all high-risk inmates"?

A. No, ma'am. Not that I can recall, no.

Q. Did anybody ever instruct you with respect to the next bullet, "less than constant supervision is inadequate for suicidal persons. A person can die within

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JOSEPH A. VASATURO

three minutes of hanging"?

A. Yes.**Q.** You received that as part of your training?**A. Yes, ma'am.**

MS. BERG: I'm going to

have mark as Exhibit 9, a copy of a

document that's called Officer's Handbook,

Suicide Prevention and Crisis Intervention

in County Jails and Police Lockups.

*(Whereupon, Plaintiff's Exhibit 9,**OFFICER'S HANDBOOK, SUICIDE PREVENTION AND CRISIS INTERVENTION IN COUNTY JAILS AND POLICE LOCKUPS, was marked for identification.)***Q.** Take a look if you would at

Exhibit 9. Have you ever seen that before?

A. Yes, ma'am.**Q.** When did you first see that?**A. In in-service training.****Q.** What year?**A. 2006.****Q.** So that was the training you had in March '06?**A. Yes, ma'am.**

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JOSEPH A. VASATURO**Q.** So that would have been before Spencer Sinkov came to the facility; correct?**A. Yes, ma'am.****Q.** Take a look if you would at page

17. Suicide Prevention Tools. Section on the very bottom that says supervising.

"According to the Commission of Corrections regulations, constant supervision should be given to all high-risk inmates."

Do you see that?

A. I see that.**Q.** So it's fair to say, is it not,

that prior to May of 2006, you were, in

fact, advised at least through the manual

that the Commission of Correction did have

regulations requiring constant supervision

for high-risk inmates?

A. Through this manual, I see that.**Q.** Were you aware of any Putnam County policies that mirrored that manual's statement?**A. No, ma'am.**

MS. BERG: I'm sorry. I

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JOSEPH A. VASATURO

didn't hear your answer.

*(The record is read by the reporter.)***Q.** Did anyone ever instruct you as part of your training or otherwise that the Commission of Correction regulations did not mandate certain conduct on your part as an employee of Putnam County?

MR. RANDAZZO: Objection to the form.

A. Could you repeat the question.**Q.** Sure. Did anyone ever tell you even though the Commission of Correction had certain regulations, you were not obligated to follow them?**A. No, ma'am.****Q.** Were you aware at any point in time that Spencer had received a visit from his family?**A. I was aware when I came back to work that day.****Q.** How were you made aware of that?**A. I was just told that we had an inmate commit suicide.****Q.** Who told you that?

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JOSEPH A. VASATURO**A. It was shortly after his visit.****Q.** Who told you that?**A. I don't recall, ma'am. It was the main control officer. It was as soon as I came in.****Q.** Did anyone ever indicate to you anything about the visit that Spencer had with his family?**A. No, ma'am.****Q.** Did you ask anyone any questions about it?**A. No.****Q.** Did anyone say anything that they heard during that visit?**A. No, ma'am.**

MS. BERG: Why don't we take a few minutes. I'm going to see where we are at. Hopefully, we can finish you before lunch.

Off the record.

*(Off-the-record discussion)**(Luncheon recess taken)*

MS. BERG: Can you mark this as 10.

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1 **JOSEPH A. VASATURO**

2 (Whereupon, Plaintiff's Exhibit 10,
3 LOGBOOK, was marked for identification.)

4 CONTINUED EXAMINATION BY

5 MS. BERG:

6 **Q.** I had marked as Exhibit 10, a copy
7 of a logbook. Let me show that to you.

8 First of all, are you familiar
9 with the document itself?

10 **A. The logbook?**

11 **Q.** Yes.

12 **A. Yes.**

13 **Q.** And it's required to be completed
14 at the NHU-1 housing unit?

15 **A. Yes.**

16 **Q.** Do each of the housing units have
17 their own logbooks?

18 **A. Yes.**

19 **Q.** When you serve on the dual post of
20 South Housing Unit and North Housing Unit-1,
21 do you make entries in each of their
22 respective logbooks?

23 **A. Yes.**

24 **Q.** Even though you're serving both
25 posts at the same time?

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1 **JOSEPH A. VASATURO**

2 **A. Yes.**

3 **Q.** Are you familiar with any
4 requirements with respect to what's supposed
5 to be noted in the logbook?

6 **A. Yes.**

7 **Q.** What's supposed to be noted in
8 there?

9 **A. Your tour, the tour of your
10 check.**

11 **Q.** What are you supposed to note
12 during that tour?

13 **A. If they're all secure or not. I
14 believe every 60 minutes or so. Actually,
15 what they're doing.**

16 **Q.** Anything else that you're supposed
17 to note in there?

18 **A. Any activities. Medications. If
19 they go to the shower. If they shave.**

20 **Q.** And that would be for all levels
21 of inmates - routine, 15-minute check?

22 **A. Yes.**

23 **Q.** And you said you're supposed to
24 note if they're all secured every 60
25 minutes?

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1 **JOSEPH A. VASATURO**

2 **A. No, no. 60-minute intervals,
3 you're supposed to -- with the 15-minute
4 checks, what they're doing. If they're
5 laying down, standing up, sitting, watching
6 TV.**

7 **Q.** If everyone in NHU is on a routine
8 level of supervision, what are you writing
9 down?

10 **A. If everyone is on routine, it
11 would be that you check the housing unit.
12 How many males are there and if they're all
13 secure or not.**

14 **Q.** How often do you do that? Every
15 30 minutes?

16 **A. If everybody in the unit is on
17 routine?**

18 **Q.** Yes.

19 **A. It's every 30 minutes.**

20 **Q.** What do you do at 60-minute
21 intervals?

22 **A. For the 15-minute checks, you
23 write what they're doing, their activities.
24 If they're laying down, if they're sitting
25 up, watching television.**

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1 **JOSEPH A. VASATURO**

2 **Q.** So it's more specific?

3 **A. Yes.**

4 **Q.** Are you familiar with any
5 requirements with respect to noting actual
6 time of your check versus rounding off the
7 time?

8 **A. Yes.**

9 **Q.** What are you familiar with in that
10 regard?

11 **A. It should be the actual time of
12 your check instead of rounding off.**

13 **Q.** When did you first learn that?

14 **A. I'd say maybe a year and a half
15 ago. It was being pushed.**

16 **Q.** When you say "being pushed," what
17 do you mean by that?

18 **A. Stressed by our leaders.**

19 **Q.** Do you recall anything as to why
20 it was being stressed a year and a half ago?

21 **A. I'm not sure why.**

22 **Q.** Were you ever counseled with
23 respect to whether or not you rounded off
24 your times in the logbooks?

25 **A. No.**

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JOSEPH A. VASATURO

Q. Did anyone ever ask you any questions about whether or not you rounded times off?

A. No.

Q. Did anybody ever indicate to you that any investigation was done which caused somebody to form the opinion that you were rounding off time as opposed to writing down actual times?

A. No.

Q. Did you ever receive any discipline for doing anything like that?

A. No.

Q. In the left-hand column of the logbook, it starts 001, 002 and counts down, each entry giving a separate number; do you see that?

A. Yes.

Q. Do they just follow sequentially; correct?

A. Yes.

Q. The second column is the actual time?

A. Yes.

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JOSEPH A. VASATURO

Q. Have you ever had occasion to go back into a logbook and document something that you forgot to document earlier?

A. Yes.

Q. How often have you done that?

A. Two or three times.

Q. In what connection?

A. A shower. Smoke break. I'm not positive what it was for, but I do recall making a delayed entry, yes.

Q. Do you recall on the occasion that you made the delayed entry, how you went about doing it? Did you go back to the entry point where it should have been included or out of sequence?

A. It will be out of sequence and labeled DE, delayed entry.

Q. With respect to the logbook itself, if you turn the pages of Exhibit 10, you can see on the top right and left side, the pages seem to have, what's not cut off, a typewritten number on them. Do you see where that is?

A. Yes.

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JOSEPH A. VASATURO

Q. Those numbers are already in the logbook when you receive it?

A. Yes.

Q. Take a look if you would at the page labeled 40. It's May 20, 2006 at the top left. It says entry 1295.

You see where it has the 40 there?

A. Yes.

Q. And it looks like there's something written either on top of it or near it. Do you have any understanding as to what that is?

A. I do not.

Q. Have you ever seen the logbooks where those typewritten numbers have been changed?

A. No.

Q. Turning your attention to the entries for May 20, 2006 starting at page 40, are any of those your entries?

A. Yes.

Q. Would the first one be 1311?

A. 1311?

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JOSEPH A. VASATURO

Q. Yes.

A. Yes.

Q. That's the first entry that you made on that shift; correct?

A. Yes.

Q. Do you recall on the evening of May 20th, when you were serving as booking officer, that you had duty or responsibility for NHU?

A. Yes.

Q. What happened?

A. I took over checks for South Housing Unit officer.

Q. Why did you do that?

A. That was -- well, the housing unit, that was my time to be down there.

Q. So even when you were serving as booking officer, you also had to take over those checks?

A. Yes.

Q. During this period of time, were you also making entry in the South Housing Unit logbook?

A. Yes.

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JOSEPH A. VASATURO

1 **Q.** Then, in terms of the shift, once
2 0730 comes around, is the South Housing Unit
3 manned by an individual and North Housing
4 Unit-1 has a separate individual?

5 **A. Yes.**

6 **Q.** In connection with these entries,
7 can you see where it has 1306, the time is
8 0157, received one male, Sinkov, Spencer E.?

9 **A. Yes.**

10 **Q.** That would have been the time that
11 Spencer was escorted to his cell, number
12 seven; correct?

13 **A. Yes.**

14 **Q.** Do you know who made that entry?

15 **A. The names are cut -- Officer**
16 **Gianpalo.**

17 **Q.** Did you escort Spencer to his
18 cell?

19 **A. With Officer Gianpalo, yes.**

20 **Q.** Did you have any conversations
21 with Officer Gianpalo about Spencer?

22 **A. No, I did not. I handed her the**
23 **P-1 that goes with the unit. We both**
24 **brought him to the cell.**

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JOSEPH A. VASATURO

1 **Q.** I was just asking if you had any
2 conversations with Gianpalo.

3 **A. No.**

4 **Q.** Starting at 0300 when you began
5 your checks, your times in the book are
6 3:00, 3:15, 3:30, 3:45, 4:00, 4:15, 4:30,
7 4:45; correct?

8 **A. Yes.**

9 **Q.** Did you round off any of those
10 times?

11 **A. I don't feel I rounded them off.**

12 **Q.** Do you think they were precise?

13 **A. I used an electronic recording**
14 **device that should be somewhere. The**
15 **records should be somewhere of the exact**
16 **time. This is the time that the clock said**
17 **when I rounded. At night, it doesn't take**
18 **as long because they're not up and out**
19 **about. They're lying down.**

20 **Q.** So at night, how long would it
21 take you to do the check? For example, the
22 one you did at 3:00?

23 **A. Three minutes.**

24 **Q.** During the day, if you were to

COMPU-TRAN SHORTHAND REPORTING

JOSEPH A. VASATURO

1 perform that same check, it would be more
2 than three minutes in length?

3 **A. Or so, yeah, I would say. Six,**
4 **seven minutes.**

5 **Q.** At the time you made these entries
6 on May 20, 2006, was there any effort to
7 push, at that time, writing down actual time
8 as opposed to rounding it off, or did that
9 come after this?

10 **A. I don't recall when it was**
11 **expressed to write the actual time. But**
12 **again, my actual time should be on the clock**
13 **system.**

14 **Q.** With respect to your entries
15 between 3:00 and 4:45, only one of them is
16 actually referred to as a 15-minute check;
17 correct, the one for 3:15?

18 **A. That is correct.**

19 **Q.** Why is that?

20 **A. I'm not sure.**

21 **Q.** If you take --

22 **A. I have to check the whole unit**
23 **every 15 minutes.**

24 **Q.** If you take a look at the logbook

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JOSEPH A. VASATURO

1 in terms of May 20, 2006, after your note of
2 15-minute check at 3:15, the very next time
3 that 15-minute supervisory check is actually
4 documented is at 8:17, line entry 1393. Do
5 you see that?

6 **A. Yes.**

7 **Q.** Did you ever speak with anybody
8 who was on the North Housing Unit or
9 covering the South Housing Unit at North
10 Housing Unit together about doing the
11 15-minute checks for Spencer?

12 **A. I gave them the P-1 saying he was**
13 **on a 15-minute check. That was passed on.**

14 **Q.** Other than that?

15 **A. No. Not that I recall.**

16 **Q.** Do you know if anybody else on the
17 unit was on 15-minute checks at that time?

18 **A. There was -- I don't recall, but**
19 **according to this, there was two males there**
20 **on 15.**

21 **Q.** Do you recall the other male being
22 an inmate Kirby?

23 **A. The name is familiar. I don't**
24 **recall Kirby himself.**

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JOSEPH A. VASATURO

Q. You indicated earlier that the State Commission of Correction had two investigators come to the department and interview you?

A. Yes.

Q. Do you recall their names?

A. I don't recall their names.

Q. Do you recall when the interview took place?

A. I don't recall if it was October or November of '06.

Q. Do you recall anything that you spoke with the two investigators about other than the changes on the suicide screening form?

A. They asked me the events of the day and what happened from the time I got there until the time I had no more contact with him.

Q. Did you provide them with any kind of statement in writing?

A. In writing, no.

Q. Just verbal?

A. Yes.

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JOSEPH A. VASATURO

Q. Were they taking notes during the interview of you?

A. I believe they were.

Q. Do you recall telling the investigators anything about the events of the day that in any way differed from what you testified to here?

A. No.

Q. Do you recall telling them anything in addition to what you've told us here today?

A. No.

Q. Do you recall prior to meeting with the investigators, did anybody meet with you or discuss with you the fact that they were coming down to do an investigation?

A. No.

Q. How did you know to go meet with them?

A. I'm not really sure what you mean by that.

Q. It came to be that you were at the department, they were there and you were

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JOSEPH A. VASATURO

required to go?

A. The next day I reported to work. My sergeant told me I needed to go see the investigators. I went over and saw the investigators. They took the statement.

Q. The next day, you mean after Spencer committed suicide?

A. The same day. The next day for me is my next workday.

Q. That would have been the Putnam County Sheriff's Department investigators; correct?

A. Yes.

Q. But there came a point in time when you met with the State Commission of Correction investigators, also?

A. Yes. I received a memo with my name on it.

Q. Other than the memo, did you have any communications with anybody about meeting with the investigators before you spoke with them?

A. No.

Q. Did you ever come to learn that

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JOSEPH A. VASATURO

the State Commission had issued a final report on its investigation?

A. Yes.

Q. How did you find out about that?

A. Through Mr. Randazzo.

Q. So that was after this lawsuit was filed?

A. I believe it was after. I'm not sure.

Q. Did you have any communications with Mr. Randazzo before you were named as defendant in this case?

A. No.

Q. With respect to the final report, other than your attorney, is there anybody that you spoke with regarding the Commissions' findings or recommendations?

A. No.

Q. Did you ever see the report?

A. Yes.

Q. Was that with Mr. Randazzo or somewhere else?

A. It was with Mr. Randazzo. I believe I received a copy of it.

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JOSEPH A. VASATURO

Q. Did you ever review the report and during your review feel that anything in there was inaccurate?

A. I don't recall. I'd have to read through it again.

Q. With respect to the investigation that was conducted by the Putnam County Sheriff's Department, you said either on May 20th or May 21st, you met with investigators; correct?

A. May 20th.

Q. Who was it that you met with?

A. Investigator DePerno.

Q. Was anybody else present?

A. Investigator Nappi.

Q. What occurred during your meeting with them?

A. I gave them a statement. Investigator DePerno typed it up.

Q. With respect to that statement, was it something that you verbally told them?

A. Yes.

Q. Was it in response to questions

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JOSEPH A. VASATURO

they asked you?

A. No.

Q. What did they ask you to do?

A. They said give us a list of today's events. Tell us what happened.

Q. And that's what happened?

A. Yes.

Q. While you spoke, was Nappi typing?

A. Investigator DePerno was.

Q. Investigator DePerno was typing while you were speaking?

A. Yes.

Q. At the conclusion of the process, did you review a written statement?

A. I read through the written statement.

Q. Did you sign it?

A. I did.

MS. BERG: Let me have marked as Exhibit 11, a copy of the witness' statement from May 20, 2006.

(Whereupon, Plaintiff's Exhibit 11, VASATURO'S STATEMENT DATED MAY 20, 2006, was marked for identification.)

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JOSEPH A. VASATURO

answering these questions, he seemed okay. He stated he used heroin 24 hours prior to his arrest. I finished the suicide questions. I noticed he responded yes to ten of the 16 questions." Do you see that?

A. Yes.

Q. At that point in time, did you indicate to anyone that with respect to some of the 16 questions, it was your observations that were noted as opposed to Spencer's answers?

A. No.

Q. At any point during this interview by DePerno and Nappi, did you tell them that you felt that any of the yes answers were incorrect?

A. No.

Q. The next two lines down: "After the questions were over, I changed him and escorted him downstairs to cell 007. I told my sergeant I put him on a 15-minute watch due to recent drug use, but I overlooked telling him about the suicide screening responses;" do you see that?

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JOSEPH A. VASATURO**A. Yes.**

Q. Was this the conversation you referenced earlier when you say you verbally advised LaPolla that you placed Spencer on a 15-minute watch?

A. Yes.

Q. During that conversation according to the sworn statement, you didn't tell LaPolla anything about the suicide screening responses; correct?

A. Correct. I overlooked telling him about the suicide screening.

Q. Is that your recollection as you sit here today?

A. Yes.

Q. With respect to the P-1, you indicate that after Sinkov was in his cell, you proceeded back to booking where you entered Sinkov into JMS and wrote the P-1; correct?

A. That's what this says, yes.

Q. And this was the day of these events; correct?

A. Yes.

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JOSEPH A. VASATURO

Q. Do you have any different recollections as you sit here today?

A. No.

Q. Do you have any reason to believe that that statement is inaccurate?

A. Yes.

Q. What's the basis for your belief?

A. It says after I dropped him off, I did the P-1, but Officer Gianpalo had this information here. I must have had it with me. I had to do it before.

Q. Could it have been that you verbally communicated to the Gianpalo about the supervisory check?

A. It could be possible. I don't recall.

Q. At the time that you gave the statement to DePerno and Nappi, did you have an understanding that you were supposed to tell the truth?

A. I was telling the truth. This is what I recalled.

Q. When you signed the document on the 20th day of May, you signed so under

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JOSEPH A. VASATURO

penalty of perjury; correct?

A. Yes.

Q. Did you understand that by signing it, you were attesting to the accuracy of what's contained in it?

A. Yes.

Q. Prior to signing it, you read the typewritten portion?

A. I did. Punishable as a Class A misdemeanor.

Q. With respect to the 15-minute checks during the time of 0300 to 0445, when you were checking on Sinkov, you indicated they appeared to be sleeping; correct?

A. Appeared to be lying down. Appeared to be sleeping.

Q. You wrote in your statement appeared to be sleeping. It's on the second page; is that correct?

A. Yes.

Q. With respect to your 15-minute checks in the logbook, you didn't note anything about what Sinkov was doing other than at 0315; correct?

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JOSEPH A. VASATURO**A. That's correct.**

Q. And you didn't note, for example, that you looked to observe whether or not his chest was moving up and down or he was breathing or anything to that effect?

A. I didn't write that, no.

Q. At the end of your statement, you indicate that Sergeant LaPolla took over your checks for that time period. What time period did LaPolla do checks on May 20th?

A. While I went up to booking to receive incoming property for Mr. Sinkov, Sergeant LaPolla did that check for me.

Q. Using your pipe?

A. No. The sergeant has his own.

Q. You documented it in the logbook as if you did it?

A. No.

Q. Is there any entry in the logbook showing that LaPolla did any checks?

A. There should be, yes.

Q. Do you see that anywhere?

A. Yes.

Q. Where?

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JOSEPH A. VASATURO

A. 0345, I think.

Q. 0345 appears to be -- I'm sorry. 0345, I see. That's not your handwriting?

A. No, ma'am.

Q. And you believe that's LaPolla?

A. It appears to be Sergeant LaPolla's handwriting.

Q. You say at the end, "At one point during my shift, Sergeant LaPolla asked me if I did my P-1 in reference to the 15-minute supervisory check?"

A. Yes.

Q. Do you recall when it was during your shift that LaPolla asked about that?

A. It was later that night. I want to say -- I don't know the exact time. I want to say between five and six.

Q. LaPolla didn't ask you about the P-1 when you first told him that Sinkov was on 15-minute checks?

A. I don't recall if he asked me.

Q. Did you ever see any statements given by anyone else?

A. No, ma'am.

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JOSEPH A. VASATURO

Q. Did you speak with anybody else about any statements that they gave either to the Putnam County Sheriff's Department or the State Commission of Correction?

A. No.

Q. Were you ever trained with respect to the logbook, if you made any kind of error, for example, in the time or entry, how you were supposed to go about correcting the error?

A. No. Like going back in time, back with the times?

Q. In other words, you were writing entry one and instead of writing 1256, you wrote 1246 and you wanted to correct it right then and there. Were you ever trained in how to make the correct notation?

A. Just draw a line. No.

Q. Did anybody ever indicate to you that you shouldn't obliterate the original entry? You should draw a line so it's still visible and write the correct entry next to it?

A. Just draw a line.

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JOSEPH A. VASATURO

Q. That's what you were trained to do?

A. I don't believe I was trained to do it. That's what I would do.

Q. Did anybody ever provide you with any policies on that?

A. Yes. I believe there is a policy on logbook entries.

Q. Is that part of the red book documents that you have?

A. That is part of the policy and procedure book. I'm not aware if that's in the red books. I've seen it. I'm trying to remember where.

MS. BERG: Let me have marked as Exhibit 12, a copy of the Commissions report on the death of Spencer Sinkov.

(Whereupon, Plaintiff's Exhibit 12, FINAL REPORT STATE COMMISSION OF CORRECTION, was marked for identification.)

Q. In connection with Spencer Sinkov, as you sit here today, do you believe that you violated any existing Putnam County

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JOSEPH A. VASATURO

Correctional Facility policies or procedures?

A. No, ma'am. Suicide screening says eight or above to notify a sergeant.

Q. In connection with your conduct on May 19th and into May 20, 2006, did anybody ever indicate to you in words or in writing that any of your conduct violated existing Putnam County Correctional Facility policies or procedures?

A. No, ma'am.

Q. Did anybody ever indicate to you that disciplinary action was being contemplated?

A. Yes.

Q. Who told you that?

A. I signed a probationary period paper.

Q. When was that?

A. I believe it was November.

Q. Of?

A. '07.

Q. What were the circumstances of you signing that paper?

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JOSEPH A. VASATURO**A. To extend probationary period.****Q.** Of what?**A. I'm not sure. I don't know.****Q.** Were you on probation at the time that you signed it?**A. Yes.****Q.** What were you on probation for?**A. This incident that happened now.****Q.** When were you first placed on probation?**A. Say May of '06.****Q.** Who advised you that you were being put on probation?**A. Nobody.****Q.** How did you know that you were placed on probation?**A. I just signed the extension.****Q.** You found out in November of '07, that you had been put on probation a year earlier?**A. Eighteen months earlier.****Q.** Who brought to your attention in November of '07, the issue with the probationary period and asking you to sign

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this paper?

A. I was informed by Sergeant Hanley I had to go see Captain McNamara.**Q.** When you saw Captain McNamara, was anyone else present?**A. No.****Q.** What did McNamara say to you and what did you say to him?**A. He had me -- he didn't say anything to me. He had me read through the paper. I signed the paper and that was it.****Q.** Did it say for how long your probationary period would be extended?**A. Six months.****Q.** Prior to signing it, did you consult with anyone?**A. Union lawyer.****Q.** Anyone else?**A. No.****Q.** Who's the union lawyer?**A. Mr. Baumgardner.****Q.** Is that from Bunion & Baumgardner?**A. Yes.****Q.** Do you still have a copy of that

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JOSEPH A. VASATURO**A. No.****Q.** Do you know if other than yourself, anybody else was asked to sign anything similar?**A. I believe Sergeant LaPolla.****Q.** Anyone else?**A. No.****Q.** Take a look if you would at Exhibit 12.

Let me back up for one more second on that issue of the probationary period and the document you signed.

Did McNamara indicate to you at any point in time that you were the subject of possible charges?

A. No.**Q.** Or disciplinary action?**A. No.****Q.** Did the paper you read indicate that in any way?**A. No. It indicated that it was extending the 18 month probationary period.****Q.** Did anybody indicate to you in words or in substance, that the opinion of

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1 the county or its administrative staff was
2 that you violated some policy or procedure
3 on May 20th?

4 **A. No.**

5 **Q.** Take a look, if you would, at
6 Exhibit 12 which is the state's report with
7 respect to the death of Spencer Sinkov.
8 Paragraph eight which is on page three.
9 "Officer J.V., Joseph Vasaturo, placed
10 Sinkov on a 15-minute supervisory check
11 instead of constant supervision;" do you see
12 that sentence?

13 **A. Yes.**

14 **Q.** Did you ever discuss with anybody,
15 anything about the 15-minute supervisory
16 check versus constant supervision other than
17 what you testified to here today about your
18 conversation with Karen Jackson?

19 **A. No.**

20 **Q.** Did anybody ever indicate to you
21 that there were any policies that you
22 violated by placing Sinkov on 15 minute
23 versus constant supervision?

24 **A. No.**

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1 **Q.** The next sentence says, "The shift
2 supervisor was not informed of Sinkov's
3 suicide screening score;" that's correct,
4 right?

5 **A. Yes.**

6 **Q.** You never notified LaPolla?

7 **A. I never told Sergeant LaPolla**
8 **what his actual score was, that's correct.**

9 **Q.** And it also says, "Officer J.V.,
10 Joseph Vasaturo failed to initiate constant
11 supervision on an identified high-risk
12 inmate;" do you see that?

13 **A. Yes.**

14 **Q.** Did anybody ever speak with you
15 about that?

16 **A. No.**

17 **Q.** Last sentence indicates that
18 "Officer J.V. failed to follow Putnam County
19 Jail's Policy and Procedure which states
20 immediately notify the tour supervisor
21 whenever a prisoner scores in the high risk
22 score of eight in the column A or immediate
23 referral categories on the screening form;"
24 do you see that?

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1 **A. Yes.**

2 **Q.** And you, in this case, did not
3 immediately notify the tour supervisor when
4 the score was eight or higher; correct?

5 **A. Yes.**

6 **Q.** And you didn't notify the
7 supervisor when the shaded areas on the
8 forms were checked; correct?

9 **A. That is correct.**

10 **Q.** The report also indicates "Officer
11 J.V. failed to follow Putnam County jail's
12 policy and procedures which state that you
13 have to immediately notify the tour
14 supervisor whenever a prisoner, Section E,
15 appears to be significantly under the
16 influence of alcohol or drugs;" do you see
17 that?

18 **A. Yes.**

19 **Q.** That was the conclusion of the
20 commission; correct?

21 **A. Yes.**

22 **Q.** No. 4 says, "All such notification
23 will be completed by forwarding a copy of
24 the prisoner's screening form to the tour
25

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1 supervisor prior to cell assignments;" do
2 you see that?

3 **A. I do.**

4 **Q.** And you didn't notify the
5 supervisor by providing a copy of that form
6 to him prior to the cell assignment;
7 correct?

8 **A. That's correct.**

9 **Q.** Did anybody ever speak with you
10 about that?

11 **A. No.**

12 **Q.** On the recommendation section,
13 page five, "Recommendation to the sheriff of
14 Putnam County, Number 1, the booking officer
15 who administered the suicide screening
16 guidelines to Sinkov on May 20, 2006, should
17 be disciplined;" do you see that?

18 **A. I do.**

19 **Q.** You were the booking officer;
20 correct?

21 **A. Correct.**

22 **Q.** Were you ever disciplined?

23 **A. No.**

24 **Q.** And the report continues that,
25

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"You should be disciplined for failing to notify the shift supervisor of a high-risk suicide inmate;" do you see that?

A. I do.

Q. And for failing to initiate constant supervision of a high-risk inmate; do you see that?

A. Yes.

Q. Did anyone ever counsel you or discipline you about both or either of those?

A. No.

Q. Since May 20, 2006, have there been any additional or new policies implemented which pertain in any way to the booking process or the intake process?

A. To the booking or intake process, I'm not positive. There was one for housing supervision in there.

Q. What's that?

A. 15 minute is not good for a suicide prevention, I believe, it says.

Q. When did that come out?

A. August 4th.

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Q. Of?

A. '06.

Q. How were you advised of this new policy?

A. They put it into the policy and procedure books.

Q. Is this the red book or different book?

A. This is a different book. It's purple and white book.

Q. Where is that maintained?

A. It's on all the posts.

Q. How were you made aware of that new policy being put in the book?

A. Sergeants told us.

Q. Was that at briefing or something else?

A. I don't recall if it was at briefing or not.

Q. Do you recall which sergeant told you about it?

A. Sergeant LaPolla had pointed it out. Sergeant Greno.

Q. What did Sergeant LaPolla say to

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you?

A. It's a new policy. Just to read it.

Q. Anything else?

A. No.

Q. Did you say anything to LaPolla?

A. I read through it, and I noticed it says 15 is not good for suicide.

Q. Did you say anything to LaPolla about that?

A. I just told him that I noticed it.

Q. What did he say in response?

A. I don't recall what he said.

Q. Did you say Sergeant Guarino?

A. Greno.

Q. What did he say about the policy?

A. I didn't speak to him about it.

Q. Did he point it out?

A. Yes. He was off going. Sergeant LaPolla was on coming. I read it during shift.

Q. Did you speak with anybody else about that new policy at any time?

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A. No.

MS. BERG: I'm going to call for the production of that policy.

DOCUMENT/DATA REQUESTED: _____

Q. Other than that, any other new policies or modified policies since May 20, 2006?

A. Not that I'm aware of -- there's new policies but nothing -- I don't believe anything that pertains to this.

Q. Anything pertaining to housing assignment or level of supervision?

A. Not that I can recall. There's a few new policies. I have to look at them again.

Q. Anything that would pertain in any way to the intake process as far as you can recall?

A. The alternative to incarceration. That's fairly new. The strip-search procedure. That's fairly new. The notification of the consulate of illegals. That's fairly new. That's all I can recall at this time.

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MS. BERG: Let me have

marked as Exhibit 13, a copy of a letter to whom it may concern dated November 2, 2006.

(Whereupon, Plaintiff's Exhibit 13, LETTER DATED 11/2/06, was marked for identification.)

Q. Other than changes -- other than new policies, have there been any policies that have changed since May 20, 2006?

A. That one that we were discussing with the 15, I believe has changed.

Q. Anything else?

A. Not that I'm aware of.

Q. The new policy would reflect what was in place from August 4, '06 to now?

A. To now, yes.

Q. And the prior policy, what do you recall that that said?

A. I don't recall the exact words that it said.

Q. How did this new policy change the policy that existed on May 20, '06?

A. That the 15 minute is not good
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for suicide screening, I believe, are the words. I don't know the exact words.

Q. Words to that effect?

A. Yes.

Q. Were you aware of any changes in staffing, staffing assignment, staffing posts that have happened since May 20, '06?

A. No.

Q. Has anybody indicated to you that there's any analysis being conducted or revision being considered in terms of staffing?

A. No.

Q. I'm going to show you what was marked as Exhibit 13 which is an anonymous letter which was sent to the Commission of Correction, and it's dated November 2, 2006. It has a date stamp of November 7, 2006. Did you ever see this before?

A. Never.

Q. Did you ever discuss with anybody whether or not an anonymous letter or unsigned letter was sent to anyone pertaining to the Putnam County Correctional

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Facility?

A. No, ma'am.

Q. The first paragraph says, "I work for the Putnam County Sheriff's Department in the corrections division. Your office must be on the way down to our office. The reason I can assume this is because our captain is running around updating the logbooks that are never used and coming out with new policies and procedures;" do you see that?

A. I see.

Q. Do you have any basis or did you ever make any observations with respect to the truth or falsity of the paragraph I just read?

A. No, ma'am.

Q. Did you ever observe the captain or anybody else updating the logbooks?

A. No, ma'am.

Q. Or coming out with new policies and procedures?

A. No, ma'am.

Q. Are you aware of any logbooks that
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are never used?

A. No, ma'am.

Q. There's a reference in the second paragraph to the program officer post and the fact that the NHU officer has to cover that post if the program officer is absent or on vacation or other absent. Do you know if through November 7, '06, that was accurate?

A. Yes.

Q. Is that true still to today?

A. North has a unit officer that covers the program when the program officer is not there.

Q. Would that be true also on hours beyond 1630 and on weekends which is indicated in paragraph three?

A. What to be true, there's programs after 4:30?

Q. Yes.

A. There are programs after 4:30.

Q. And on the weekends?

A. And on the weekends.

Q. Which would make the North Housing

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Unit have to cover both posts?

A. Yes.

Q. The program officer works Monday through Friday; correct?

A. Correct.

Q. That was true in May '06?

A. I want to say yes, it was.

Q. And it's true to today?

A. Yes.

Q. Do you recall when in relation to the new policy, the 15-minute check versus constant watch policy you just talked about on August 4, '06, when in relation to that did the Commission of Correction investigators interview you?

A. Probably a week later.

Q. In terms of this anonymous letter, the second page, second paragraph says, "Just a few days before the commission arrived to interview everyone involved in the suicide May 2006, the captain changed the policy and procedure to cover the department and essentially making Sergeant LaPolla and Officer Vasaturo look like they

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did not follow this procedure;" do you see that?

A. I see that.

Q. Do you have any understanding as to whether that policy and procedure change was the one on August 4, '06?

A. It was only one that I recall on August 4th.

Q. That was the only one. Do you know if that's what's referenced here in the second paragraph of page 2?

A. I don't know if that's what's referenced. I recall one on August 4th.

Q. Are you aware of any policies that were changed to essentially make it look like you and Sergeant LaPolla did not follow procedure?

A. I know that this policy was updated or changed. I don't know if that's what was in mind.

Q. Were you employed by the Putnam County Correctional Facility when there was an inmate suicide back in 2003?

A. I was.

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Q. Norberto Rivera was the inmate; do you recall that?

A. I do.

Q. Did you have any role in the intake process involving Mr. Rivera?

A. No, ma'am.

Q. Did you have any role in supervising him while he was housed in the North Housing Unit?

A. Yes.

Q. What was your role?

A. I was assigned to North Housing Unit. My role was basically to perform checks and make sure he was okay.

Q. Do you recall what type of or level of check he was on?

A. I believe he was on a 15-minute check.

Q. Do you recall anything about the reason why he was on that 15-minute check?

A. I believe it was for withdrawal from drugs.

Q. Do you recall what drugs?

A. I want to say heroin. I'm not

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positive.

Q. Do you recall anything about whether Rivera was placed on 15-minute checks because of anything relating to the suicide screening?

A. I'm unaware of that. I don't know.

Q. In terms of Norberto Rivera's death, did you respond to the scene of the hanging?

A. Yes.

Q. Were you the first officer there?

A. Yes.

Q. Were you assigned to the NHU post at that time?

A. I was.

Q. Was the suicide committed in between the 15-minute checks?

A. It was.

Q. Do you recall where you were coming from at the time that you found Norberto Rivera?

A. I was coming from the cell 16, I believe.

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JOSEPH A. VASATURO**Q.** What was going on in cell 16?

A. Sergeant had asked me to see an inmate. I escorted the sergeant in. She spoke with him briefly. I escorted the sergeant out of the unit and then I went around this way -- well, around in front of this side and there he was. *(Indicating)*

Q. Where was cell 16 in relation to where Norberto Rivera's cell was?

A. It's right on the other side.

Q. You can't physically see it while you're in cell 16?

A. No.

Q. How long were you with the sergeant in cell 16?

A. I wasn't in cell 16. We were on the catwalk. She was just speaking through the bar.

Q. For how long were you present in that vicinity?

A. A minute, if that.

Q. Were you aware of any investigation that was done with respect to Mr. Rivera's hanging?

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A. No.

Q. Did you ever come to learn that the county, Putnam County Sheriff's Department conducted an investigation?

A. I gave a statement to the investigators.

Q. Do you recall who the investigator was in that case?

A. Investigator DePerno.

Q. Was it the same format?

A. Yes.

Q. In other words, DePerno asked you what happened and you told him as he typed it up?

A. Yes.

Q. Did you review a typed statement at that point?

A. I did.

Q. Did you sign it?

A. Yes.

Q. Other than the Putnam County sheriffs department, were you aware of any other investigation including by the State Commission?

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A. Yes.

Q. What were you aware of?

A. The Commissioner of Correction investigation.

Q. How were you made aware of that?

A. Again, I was told when I need to report for them to ask me questions.

Q. Do you recall who questioned you on that occasion?

A. I don't recall the name.

Q. Did you give them anything in writing?

A. No.

Q. Did they take notes while they met with you?

A. Yes. I imagine they did. I don't recall.

Q. Did you ever see the final report of the State Commission in the Norberto Rivera case?

A. No.

Q. Did anyone ever indicate to you that there were any recommendations made with respect to your conduct?

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A. No.

MS. BERG: Let me have marked as Exhibit 14, a copy of the final report in the matter of the death of Norberto Rivera.

(Whereupon, Plaintiff's Exhibit 14, FINAL REPORT OF NORBERTO RIVERA, was marked for identification.)

Q. Take a look if you would at Exhibit 14.

On the recommendations page, page five, I'm going to start above recommendations. Paragraph 19. The North Housing Unit is a 16-house linear housing unit; you see that?

A. Yes.

Q. It says the officer maintains a post right outside the block door. In addition to supervising the housing unit, the officer also has responsibilities to supervise a program area down the hall. Movement into the adjacent recreation yard and a separate four cell housing unit approximately 100 feet away." Do you see

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that?

A. I do.

Q. That was true back in November 2003 when Norberto Rivera was housed in the North Housing Unit?

A. Yes.

Q. Does that remain true to today?

A. No.

Q. What's different?

A. If North-2 is open, there will be an officer assigned there.

Q. And that will be the separate four cell housing unit?

A. Yes.

Q. Other than that, any other differences?

A. The program officer is new, but I'm not positive when that was started.

Q. When was the separate post for NHU-2 implemented?

A. I'm not positive on the date. Within the --

Q. Do you recall the date?

A. A year back.

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Q. Do you recall if it was before or after the death of Spencer Sinkov?

A. I want to say after.

Q. When you say the program officer is new, what do you mean?

A. The program officer is like another post.

Q. In terms of the program officer post, that's the one we talked about where if it's after 4:30 or on weekends, it's not manned?

A. Yes.

Q. So even though --

A. Well, yes.

Q. Even though the post was created, it's not always filled?

A. Yes.

Q. That would be when the NHU-1 post has to cover it?

A. Yes.

Q. Under recommendations to the sheriff, "The sheriff should question the housing area officer for the North Housing area for the accuracy of his documented

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times he completed rounds. Policies should be in place to have officers document the actual time they complete rounds and not rounded off to the nearest half or quarter hour;" do you see that?

A. I do.

Q. Do you know if that paragraph refers to you?

A. I was the housing unit officer.

Q. Did anybody ever question you about the accuracy of the times you documented?

A. No.

Q. Did anybody ever indicate to you that your conduct in November of 2003 violated any existing policies?

A. No.

MS. BERG: Let me have marked as Exhibit 15, a copy of a statement dated November 15, 2003 by this witness.

(Whereupon, Plaintiff's Exhibit 15, STATEMENT DATED 11/15/03, was marked for identification.)

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Q. Let me show you Exhibit 15. Do you recognize that as the statement that you gave to Investigator DePerno on November 15, 2003 in connection with the suicide of Norberto Rivera?

A. Yes.

Q. It indicates in the bottom of the first page of this statement, that after your 1345 hour check, you went out North Housing Unit exercise yard to smoke a cigarette; do you see that?

A. Yes.

Q. Do you recall if anybody spoke with you about whether or not that was permitted?

A. No.

Q. Is that something you still do?

A. Common practice, yes.

Q. Do you observe that other correction officers engage in that practice as well?

A. Yes.

Q. Do you have any requirement to document when it is that you take your

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cigarette breaks?

A. No.

MS. BERG: Let me have marked as Plaintiff's Exhibit 16, a copy of the log from the North Housing Unit from November 12, 2003 through November 15, '03.

(Whereupon, Plaintiff's Exhibit 16, LOGBOOK, was marked for identification.)

Q. Take a look at 16 which is a logbook for the North Housing Unit. I'm going to turn your attention to page 84 at the top left about halfway in. The bottom entry 2761 at 1933. "Received four males," names them. "Three females for bible study." Do you see that?

A. I do.

Q. Have you ever been on the North Housing Unit when people have -- inmates have come in for bible study?

A. Yes.

Q. What are you required to do as the North Housing Unit's correction officer if that happened?

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A. They leave their tags for the logbooks. They enter the room. We close the door. We'll continue our checks and we add them into the checks.

Q. So you'll be checking on them as well?

A. Yes.

Q. When you say they leave their I.D.s at the logbook, it's something they physically take off and leave at the desk?

A. Yes.

Q. Are you required to fill out any paperwork, such as this or something else? (Indicating)

A. Yes. You put their names in the book.

Q. Anything else you're required to do?

A. No.

Q. Where do you take them for bible study?

A. They'll come around to North Housing Unit.

Q. So they're escorted to you?

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A. No. They'll travel freely -- well, from gate 13 around to North Housing Unit.

Q. When they arrive at North Housing Unit is when your responsibilities take over?

A. Yes.

Q. Where do you take them from the desk in terms of bible study?

A. In a program room.

Q. Where is that located?

A. Right in North Housing Unit.

Q. How far from the desk?

A. Twenty-five, maybe 30 feet.

Q. Is that beyond the gate?

A. It is.

Q. When you take them in, you say you put them in the room. You shut the door, you lock them in; correct?

A. Yes.

Q. Approximately, how long does all of this take?

A. Three minutes. Not very long.

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Q. Are you required to document anything about when the bible study ends?

A. Yes. That would be them leaving and going back upstairs or back to their housing unit.

Q. Would you log that in?

A. Yes.

Q. Take a look if you would at the page that's marked 91 at the top right. Where the stamp is "officer on duty, 2974." From there through the next page, are those all your entries?

A. Yes.

Q. Did you make any entries pertaining to finding Norberto Rivera?

A. I did not.

Q. Do you know why that was?

A. My sergeant took the logbook.

Q. When did your sergeant take the logbook in relation to when you responded to Rivera's cell?

A. It seemed like it was as soon as I called her.

Q. In terms of --

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A. It seemed like as soon as everything we knew what was going on.

Q. In terms of your starting at 2974, it says active supervision, what does that mean?

A. It means they're out and about. Active.

Q. Was anybody on --

A. Active and general supervision.

Q. At this point, you don't indicate whether anybody was on a 15-minute check?

A. No.

Q. Is there some reason you didn't do that?

A. No.

Q. Do you know if Rivera was on a 15-minute check by looking at this logbook?

A. By looking at this, I couldn't tell.

Q. And there's no indication on any of the entries that you made pages 91 to 92 of 15-minute supervisory check being

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performed; correct?

A. No.

Q. That's correct?

A. Yes. I didn't write 15 minute. They were done every 15 minutes.

Q. You didn't indicate that in the logbook?

A. No.

Q. Did anybody ever discipline you for that or counsel you about it?

A. No.

MS. BERG: In case I didn't request on the record earlier, I am going to request the new policy that was put in August 4, '06.

Give us two seconds.

DOCUMENT/DATA REQUESTED: _____

(Recess taken)

CONTINUED EXAMINATION BY

MS. BERG:

Q. I understand you want to clarify a prior answer?

A. Excuse me?

Q. I understand you want to clarify

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or amend a prior answer?

A. Yes.

Q. Go ahead.

A. I wasn't on probation. It was time to extend charges that they're going to bring against me.

Q. Did they indicate that they were going to bring charges?

A. No.

Q. And it was just an extension of time in connection with which they could do that?

A. Yes.

Q. And you agreed to extend that by six months beyond the eighteen months statute of limitation?

A. Yes.

Q. To date, have any proceedings been instituted against you?

A. Not that I'm aware of.

Q. Has anybody indicated to you whether or not a decision has been made one way or another?

A. Not that I -- no.

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Q. Are you aware of any detox program in the facility?

A. I'm unaware of anything that Americor has in place.

Q. Do you have any responsibilities with respect to any type of detox program or provision of any type of meds to inmates who are undergoing detoxication?

A. The meds and everything is handled by Americor. All I do is escort their nurse around.

Q. You don't have any role in that?

A. No.

Q. Are there any other answers that you've given that you want to modify or change?

A. No.

MS. BERG: I don't have anything else.

EXAMINATION BY

MR. KLEINBERG:

Q. I have a couple questions for you, sir. My name is Adam Kleinberg. I

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represent Sheriff Smith in this case.

If you look at what we marked as Exhibit 14, Exhibit 14 is the January 11, 2005 final report from the Commission of Correction regarding the Norberto Rivera's suicide.

A. Yes.

Q. On page five, the paragraph one, it says, "Policies should be in place to have officers document the actual time they complete rounds and not rounded off to the nearest half or quarter hour;" do you see that?

A. I do.

Q. When Mr. Sinkov -- withdrawn. When you recorded entries in May of 2006, when you checked your rounds, did you record the actual time you completed the rounds at that time or did you round off?

A. I feel that was the actual time, but again, the actual time it's going to be on the electronic device.

Q. You knew at that point in May 2006

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JOSEPH A. VASATURO

to record actual time and not round off?

A. I did.

MR. KLEINBERG: No further questions for you, sir.

MR. COON: I have no questions.

MS. BERG: That's it.

o0o

(Time noted: 4:16 p.m.)

COMPU-TRAN SHORTHAND REPORTING

UNITED STATES DISTRICT COURT)

ss:

SOUTHERN DISTRICT OF NEW YORK)

I, JOSEPH A. VASATURO, the witness herein, having read the foregoing testimony of the pages of this deposition, do hereby certify it to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.

o0o

JOSEPH A. VASATURO

Subscribed and sworn to before me this ____ day of ____, 2008.

COMPU-TRAN SHORTHAND REPORTING

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STATE OF NEW YORK)

) ss

COUNTY OF ROCKLAND)

I, Tracy Smith, Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within entitled matter, and that the within transcript is a true record of said proceedings.

I further certify that I am not related to any of the parties to the action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of February, 2008.

TRACY SMITH,
NOTARY PUBLIC

COMPU-TRAN SHORTHAND REPORTING

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1

2 CORRECTION SHEET

3 Re: SINKOV VS SMITH, ET AL

4 The following corrections, additions
 5 r deletions were noted on the transcript of
 6 the testimony which I gave in the above-
 7 captioned matter, held on January 7, 2008.

8

9 PAGE(S) LINE(S) SHOULD READ -

10 _____

11 _____

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20 JOSEPH A. VASATURO

21 Subscribed and sworn to before me

22 this ____ day of ____, 2008.

23 _____

24 _____

COMPU-TRAN SHORTHAND REPORTING

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DEFENDANT'S EXHIBITS:

NONE

RULINGS CONTEMPLATED:

NONE

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